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THE DAILY NEWS.

TUESDAY, AUGUST 15, 1882.

THIRTEEN weeks from to-day, Tuesday, November 14, is election day.

It is desperate advice which will urge that a legal opinion setting out a clear violation of law in doing a certain thing, shall be ignored and the project pushed in spite of it.

The republican legislative convention will make a fatal omission if it fails to instruct its nominees to oppose every scheme looking toward the increase of the debt and tax rate of this city and county.

The Sultan of Turkey whose views have been the perplexing unknown quantity to the allied powers, has told a correspondent of the New York Herald all about it. What a boon to Europe the New York Herald is.

The liquor dealers of the state in convention at Terre Haute, yesterday, rose above party and decided to support the democratic ticket in this election. This is correct. By the same token prohibitionists should likewise rise and support the republicans.

The struggle between Chili and Peru has assumed the character of a war of extermination the dispatches say; and here this great nation sits with indifference to such inhumanity when by a word it might end it. But to do that might be to approve Blaine's South American policy and to ruin Blaine is a far higher and holier aim, though the slopes of the Andes shall drink the blood of a nation.

COMMENTING upon the exceptional record of Congressman Peelle at being present at every roll-call during the session, the Philadelphia Record says, "such faithfulness will wipe out the stain of many an erroneous vote." In these days of "absenteeism" when it is the habit, one might say, for congressmen to be jangling all over the country attending to private business at the public expense, he who sticks to his work conscientiously deserves more than local praise. He may become an example and precedent for the correction of one of the most obnoxious petty abuses that have of late years been indulged in.

One would suppose that it would be easy to enforce a law prohibiting the sale of liquors on Sunday. On any other day in the week. Yet this law is a dead

letter. The advocates of prohibition need to explain how, if they can not enforce a law to prohibit the sale of liquors one day in the week, they expect to be able to enforce one which prohibits it seven days in the week. [Milwaukee Republican-Sentinel.]

That is easily explainable. Under prohibitory law for one day in seven only, the existence of a saloon on that day is no evidence of the breaking of the law. It is allowed to exist for traffic on six days, and hence, under cover of its existence it may engage in the traffic on the seventh day. But under a law prohibiting it entirely the simple existence of the saloon would be prima facie evidence that the law is broken.

"For which of you, intending to build a tower, sitteth not down first and counteth the cost, whether he have sufficient to finish it?" These are the words of one who spoke as with authority, and with their wisdom seasoned by eighteen centuries, they come right down to confront the city hall project proposed for Indianapolis. They are happily met by the opinion of the city attorney, who told the aggregated aldermen last night that they must have sufficient means to finish their building before they begin it. We are glad to be able to cite from Holy Writ an endorsement of the opinion of the city attorney's opinion, and notwithstanding the assurance of an esteemed contemporary that there never was a public building erected in this country without anticipating the revenue, we rejoice in the hope that this city is not going to be mulcted by that old game. We had two million dollars' worth of that sort of experience in the court house, which is now costing a small fortune each year to keep presentable. Let us have an end of this whole city hall business here and now. It is a project vehemently opposed by the great mass of taxpayers, as the city officials can learn if they will make inquiry. If we must have a market house, for which there is no especial need, build it with the funds on hand; but far better build a city hospital with these funds and equip it according to the requirements of humanity.

CURRENT COMMENT.
The share of the swag which Robeson's congressional district got out of the river and harbor windmill will be forgiven it, if it only will not return Robeson to congress. The text of Talmage's last sermon is, "healthy religion." There is an impression that as that Talmage is not an expert. The new Olympic theater, St. Louis is finished ready for the season's opening at a cost of \$225,000.

Philadelphia barbers some time ago started a "no shaving" boom for Sunday and as there is a law on the subject the various justices are aiding them by fining long lists of barbers who have kept open shops on Sunday. The law that does the business dates back to 1794.

The next congress should make the match question an independent one as it did the question of quinine, and repeal the tax on matches and the tariff duty also. Meantime the match monopoly has increased its prices and will be "in pocket" several additional thousands of dollars by that time.

The women have a right to be indignant that their claims to clerkships were ignored in the recent appointments at Washington. [Chicago Inter-Ocean.]
Were their claims ignored? Claims, it was thought were the basis of appointment. Merit had no chance, or the best woman might have won. On a claim basis, since they did not win, the conclusion is that their claims were "non est," so to speak.

The business of New York barber shops is greatly interfered with by peripatetic barbers, who get a run of regular customers and visit their houses at specified times, shaving and combing them there at so much per month. Besides being a convenience it tickles the vanity of the customers, who, in a private barber, imagine that they keep a valet.

"The Chinese must go" was one of the popular planks in every candidate's platform during the recent parliamentary election in Canada, and the Toronto Mail says the Chinese question will one day be one of Canada's great problems. Our ten year limit bill may hasten the day.

After the salary grab of 1872 comes the river and harbor grab of 1882. What the former cost the republicans we all remember; the latter will cost it remains for the future to reveal. [Chicago Journal.]

Inasmuch as both democrats and republicans indiscriminately engaged in perpetrating both acts, the rule that was followed in the first would be good for the second; and if the river and harbor congressmen are "marked" as the salary grabbers were and left at home, we venture to say the river and harbor bill next year will hardly be one quarter what the present one is.

What does all this mean? There is a tremendous popular force at work here which has been making rapid headway, and it matters not on as they are going on, the United States will be in time virtually a prohibition nation. [St. Louis Globe-Democrat.]

The public declaration of the anti-prohibitionists in Indiana favoring the election of the democratic ticket will probably have the effect of fairly testing the prohibition question in that state. Temperance democrats will probably by this action of the anti-prohibitionists be driven into voting the republican ticket. [Kansas City Star.]

When the revenue tax is taken off, as it doubtless will be at the next session of congress, prices will be lowered to the old figures again. These match-makers care nothing about the tax. Its object has been attained since the smaller fry of the trade have been crushed out. So long as the 60 per cent. duty remains imposed on the foreign article the question of revenue taxation will be of little consequence to the men who absolutely control the trade. [Philadelphia Record.]

The Indiana republicans have constructed the most elaborate political platform of the season. It is, like the most of these creations, a masterpiece of deception. It is a deceptive "darky" deception. "On de outside extremely beautiful, and on de inside totally negative." [Boston Herald.]

An Ancient Crank Grinding.
[George Francis Train.]
"How can people live on eat death? Is not meat, game, eggs, butter, milk, dead? Entailed diseases of all living things in creation, added to entailed corruption of mankind, kills off humanity at an average of thirty-three years. Corn, oats, wheat, barley, 3,000 years old, taken from Egyptian mummy in Thebes catacombs will sprout to-day and produce life to man. But will dead pig? Or sheep? Or oyster? Or milk? Or sprout if planted? Death in this case only produces death."

POLYGAMY.

The Mormons no Longer Boasting It. But Keeping the Practice Secret.

[J. B. McCullough's Salt Lake letter to St. Louis Globe-Democrat.]
If there is anything connected with Mormonism which has excited the curiosity and other signs of high and low degree, fight peculiarly shy, it is this very subject of polygamy. They will answer every other question about the heads of the church—how they came here, how they got here, what his business is, and all other conceivable interrogations—but the moment you ask how many wives he has got, the source of information dries up, and the invariable answer is "I don't know."
After three days' residence in the city I asked a prominent monogamic Mormon why it was that there was so much unwillingness to give information on this most interesting question, and he replied that he didn't know. "I didn't use to be so," said he. "I remember when men were rather proud of the number of their wives; but all the way down from 1852 congress has been passing laws against polygamy, and there has been more and more secrecy about it."

The general idea in the east that every Mormon is a polygamist, with an average of ten wives apiece, is sometimes a very high as high as twenty, as in a few cases that have come to my knowledge, is a mistake. There are about 140,000 citizens, male and female, in the territory. The women are voters, as well as the men, made so by the polygamic legislature of the territory. Of the male citizens over twenty-one years of age not more than one in ten, possibly one in eight, are practical polygamists, or pluralists, as they prefer to call themselves; and of these at least ninety per cent. were men above fifty years of age, who first tasted the luxuries of plural marriage when they were young. It is now because they have in the meantime made ties which they can not ignore or repudiate.

There is no doubt that polygamy is on the decline in the territory of Utah. Evidence of this fact is obtainable on all hands. I do not undertake to state the exact number of the pluralists, but it is unquestionably the intention of Brigham Young to reduce the number of his polygamic empire that would act at defiance all the laws of morality and civil government. But between the years of Brigham Young's prime and his decay there came up the conservative element of property to regulate things in its own way. The libertine of 1850 is the rich man of 1882, and the natural tendency of the rich man is toward law and order and decency. One of the best informed men in the territory said to me yesterday: "Polygamy is playing itself out. The young men don't take to it, and the old men only stick to it to save their property. The territory is full of polygamic marriages by polygamic sons within his knowledge. That is to say, that within the time named only two men born in polygamy had afterwards married monogamically, and that is all the continuance of this state of affairs will lead, and that it will end before long in the destruction of the vicious system which was just as much the cornerstone of the system of government established in Utah as slavery was the cornerstone of the system of government established in the United States."

While in polygamy all is outwardly fair and pleasant, it is easy to collect news enough in a few days to know that nearly every polygamic household has its skeleton in the closet, sometimes more than one. Standing on the main street yesterday a very prominent man was pointed out to me, with the remark, "He knows polygamy to his sorrow." Further information was given that he had a wife and a child, and that he was a member of the church. Young told him it was his duty to do so. To disobey Brigham Young at that time in this territory meant not only social but physical death. So one day he went home and told his wife what had happened—that he had been urged to go into polygamy, and that he must do so or incur the displeasure of the church. The wife's answer was unflinching. She pleaded for herself and children, but to no avail. He said he must "go into polygamy." He did as Brigham Young told him to do. To-day he is a widower, and more than a hundred of thousands of dollars in the hands of his wife and children, but he is a member of the church, and his money has not helped him.

Ingenuous Photographic Apparatus.
An apparatus for taking photographs surreptitiously has been patented in England. It resembles a pair of opera glasses, a matched pair of lenses taking the place of the eye pieces, a plate of ground glass for focusing being substituted for one object glass, and a camera for the other. A cylinder, made to resemble a muff, and having elastic bands at the wrists to exclude the light, forms the dark chamber. The plate, after exposure, can be slipped into a muff and left for future development.

Gold Certificates.
The Bank of America in New York has on deposit with the treasury \$20,000,000 of gold coin, which it is anxious to turn over to the United States treasury, in exchange for the gold certificates just authorized. It is understood that the certificates will take the place of some three-fourths of the gold now in circulation.

A Truth Well Tribune.
Our perverted contemporary, the Times, knows it perverts the truth when it calls the Indianapolis News "an intensely republican organ." John Holladay is a republican, an organ, and rejoices in the perfect independence of his paper of all political parties.

A Cure for Somnambulism.
One of the best remedies for walking in sleep is to wear a pair of roller skates. The sleeper, when he awakes, is startled to find a foot or two from his face before something flies up in his face and wakes him up.

An Idea of Britain's Length.
To go the entire length of Great Britain by rail, third class—a distance of 650 miles—costs a little less than \$3, or \$15. The time consumed in the journey is a little less than twenty-four hours.

A Change in Bonnets.
The Millinery Review predicts that in the coming fall month soft in bonnets and hats will be the fashion. A certain extent, the beaver in the headresses of the last two or three winters.

New York's Income.
Including water-rents of \$2,000,000, the annual income of New York city, aside from the money raised by taxation, is about \$5,000,000.

A Spectacular Army.
The British government has purchased 25,000 pairs of blue spectacles at five cents a pair, for the use of the army in Egypt.

Yes, It's a Good One.
[South Bend Register.]
A public hospital is one of the essentials of a thriving city.

Wheat Sowing in England.
Four fifths of the wheat raised in England is sown in autumn, from October 15 to December 10.

A Good Summer for New Orleans.
New Orleans is having the coolest and healthiest summer ever known there.

To a Friend Studying German.

Vill't don leam de Deutsche Sprache? Den setz ich on card.
Detail the nouns have shenders.
Did the shenders ash well to know?
Dere ish's about ash well to know?
Boot ash de verbic time words—
Dey'll work you bitter woe.

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STATE NEWS.

Eight Jefferson county potatoes fill a peck measure.
The Sixty-third boys will hold their reunion at Weymouth, on the 29th.

A noticeable increase in the number of students at Wabash college this fall is expected.
A piece of slate fell from a burning building in Madison and winged William Fox's nose.

Postoffices have been established at Agate, Jasper county, and Vermont, Howard county.
James M. Harrod has been commissioned postmaster at Sellersburg, and George H. Bond, at Oaktown.

The tenth Indiana turnfest, at Terre Haute, closed last night, to meet in New Albany two years hence.
Workmen are busily engaged in remodeling the Wabash house at Lafayette, to fit for the use of the public library.

Ryron Turner, aged thirty, living in the northern part of Lawrence county, shot himself through the heart, yesterday, without known cause.
While the Milroy excursionists were returning from Fort Wayne Sunday, Ad Ricker had his pocket picked of a fine watch and chain valued at \$45.

The annual meeting of the old settlers of Wayne county takes place at Centerville next Saturday. Preparations are being made to entertain 5,000 people.
Two Madison Alexanders built a skiff in a cellar where it was nice and cool, and are now working in the broiling sun excavating a hole to enable them to get it out.

At a dance at Kolesen, Greene county, a difficulty arose between James Eaton and Nathaniel King, which resulted in the latter being fatally shot in the bowels.
The democratic senatorial convention for the counties of Benton, Jasper and Newton nominated Hon. Fred Hoover, of Jasper, formerly a director of the northern prison.

Mrs. Thomas Hillman, of Moore's Hill, who is a very corpulent lady, was badly injured while returning from a country church Sunday night by being thrown from a buggy.
W. A. Krug, of Wayne county, Montgomery county, was shot and killed while on his way to a farm where he can settle down and grow up with the country. His age is 92.

Henry L. Alling, bookkeeper of the Hakes bottling works, at Fort Wayne, was shot and killed yesterday morning. Death was caused by an internal hemorrhage.
Albert Maritzen, twenty-one years old, while bathing in the river at South Bend, on Sunday, was drowned. The body was recovered, and will be sent to his home in Coldwater, Mich.

The eleven-year-old son of E. C. Bodwin, of Forest, Howard county, while playing at the elevators of R. S. Gaskill, fell into a wheat bin, and was smothered to death before help arrived.
The greenbackers of Wayne county have nominated Brooks Beeson for state senator, and Rev. J. M. Townsend and Wesley Brown for representatives. It is not certain that either will be elected.

The new democratic daily Herald to be started at Columbus on the 24th inst. will be a morning paper, and, if satisfactory arrangements can be made, will receive the Associated Press dispatches.
Mr. James B. Holmes, an old pioneer, of Shelby county, died at his home, near Fairland, Sunday evening, at the advanced age of eighty-four years. Mr. Holmes has resided in the county since 1821.

The foundry and machine shop of Joseph Dunbar, at Covington, was considerably injured by fire on Saturday. Jersey Howell was severely hurt by being struck on the head by an iron kettle thrown from the roof.
The shoemakers employed at the Murphy & Co. shoe factory at Lafayette, and at another factory at Ellettsville, are on strike. Their alleged grievance is a proposed reduction on certain kinds of work.

Mrs. David Bell, a widow, was found dead in her garden, at Covington, Saturday afternoon. Her husband died last month, since which time she has lived alone. The cause of her death is supposed to have been heart disease.
Anton Pappert entered the stable of the man he is working for at Shelbyville, Sunday evening, in an intoxicated condition. He staggered against a horse and was kicked in the stomach. It is thought he can not recover.

The children of Dr. Charles White, former president of Wabash college, among whom is Professor W. C. White, have presented to the Wabash college library three hundred volumes of the private library of the deceased president.
The supply grocery of Ishabod Jones, on Main street, and the Assembly hall, at Rome City, burned to the ground Sunday night, with all its contents. Loss, \$5,000. Insured in the Western Assurance company for \$5,000. Cause unknown.

The Scott county democratic convention nominated the following ticket: Treasurer, Solon T. Hardy; auditor, Charles W. Cusson; sheriff, John Diamond; recorder, Jesse B. Davis; commissioners, James T. Tulock, Adam Stinehouse and Samuel H. Close.
Frank Fisher, who has had the misfortune to lose both legs, was found in a starving condition on the knobby, three miles from New Albany, on Sunday morning. He had been discouraged, and determined to starve himself to death.

The republicans of Ohio county have nominated the following ticket: For sheriff, John Harvey; clerk, Geo. B. Hall; auditor, Michael McGuire; treasurer, Ernest C. North; recorder, Ruel W. Pagitt; surveyor, E. P. Niles; coroner, Enoch Drake; commissioners, Frederick Schroeder and F. M. McRae.
Mrs. O'Hara, of Richmond, known as "Anny" O'Hara one of the oldest and most faithful of the members of the First M. E. church, died yesterday morning. She was in her 87th year, had been a member of the church for more than 40 years, and had spent the greater part of her long and useful life in Richmond.

The democrats of Fountain county have nominated the following ticket: Representative, John H. Harris; clerk, Marshall Pettit; sheriff, T. M. Rader; auditor, Wm. Lamb; treasurer, Wm. H. Miles; recorder, Hiram Clubb; coroner, Dr. George Rowland; surveyor, M. H. Berer; commissioners, George Snyder, John Clawson, Peter A. Guy.
The anti-prohibition convention at Terre Haute resolved that prohibition has assumed startling proportions, and that personal liberty is threatened; that, as the democratic convention declared against prohibition, and the republican convention in its favor, therefore we will support the democratic nominations, and invite all liberty-loving people to do likewise.

By the collision on the New Albany & St. Louis Air Line, on Friday night, on Saturday, two locomotives were damaged to the extent of \$8,000, and the damage to cars is \$1,000. Ross, engineer of the west-bound train, died yesterday, of his injuries. An old lady, name not known, a passenger in the caboose, is believed to be fatally hurt, while the fireman of the west-bound train is badly injured.

J. R. Armour, who lives near Rich Valley, but who has been working a steam thresh in the neighborhood of Peru, was shot and killed by a stray bullet from two troops, who relieved him of his pocket-book and other valuables, and then tried to strip him of his clothes. He resisted, and was shot by one of the troops, the ball passing through his hand and near his head. The tramps escaped.

Patents have been issued to Indiana inventors as follows: A. Wysox, Lebanon, a new kind of a soapstone; J. B. Perry, Howard, a new kind of a soapstone; J. B. Perry, Howard, a new kind of a soapstone; J. B. Perry, Howard, a new kind of a soapstone.

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G. W. Moorman,

SHIRTS.

It is a well-known fact that the New Reinforced Shirts of my own manufacture are not only the very best, but also the cheapest shirts made in this city or elsewhere.

First Quality—Price, \$10 for six; \$50 for a dozen.

Second Quality—Price, \$8.50 for six; \$17 for a dozen.

Satisfaction in make and laundry guaranteed.

H. S. TUCKER, 10 and 12 Washington st.

CURES THE WORST
Blood Disease
IN ANY STAGE.
CATARRH, SCLEMA,
OLD SORES, PIMPLES,
BOILS OF THE
SKIN DISEASE.

Cures When All Other Remedies Fail.

\$1,000 Reward will be paid to any Chemist who will find, on analysis of 100 bottles of S. S. S., one particle of Mercury, Iodine, Potassium, or any other mineral substance.

TO THE SKEPTICAL,
If you doubt, come to see us, and we will cure you or charge nothing. Write for particulars and a copy of the little book. Ask any prominent Druggist as to our standing. Swift Specific Co., sold by all druggists. Atlanta, Ga. Price, small size, \$1; large, \$1.75. (3)

LA FRANCE

Steam Fire Engine,

CHAMPION OF THE WORLD.

Awarded both Medal and Diploma at the Centennial after an eight-day contest. Will generate 80 lbs. steam in five minutes, starting from cold water. Will meet any other engine in competition at any time and place. Send for catalogues and photographs.

GRANGER & CO.,

(2) Tu 62 Vance Block, Indianapolis.

Pocket Memorandum Book Advertising

CAN

An advertisement that will be

READ

Fall to profit you? Well,

FRANK H. SMITH,

Printer, Stationer and Bookbinder,

16 East Washington St., up stairs,

Will furnish you a valuable article in the shape of a neat Pocket Memorandum Book, with your business cards, etc., printed on the current, at cost to you, but little more than ordinary business cards. JUDICIOUS ADVERTISING recommends them. More real advertising for the money invested than any medium in existence. It is more durable, reaches a greater number of people, and is satisfactory in every way. Call or send for sample. FRANK H. SMITH, 16 E. Washington st., up stairs.

A. S. COMSTOCK,

Manufacturer of Wooden and Chain

PUMPS.

TUBING FOR COAL MINES.

DRAIN PIPE.

Tubing for Suction and Chain Pumps.

I also carry in stock Chain Pump Fixtures,

Pump Chain and Expansion Rubber Buttons.

BORING TOOLS AND CONTRACTORS, I am

A. S. COMSTOCK, 10 and 12 Washington st., up stairs.

GRATEFUL—COMFORTING.

EPPS'S COCOA

BREAKFAST.

"By a thorough knowledge of the natural laws

which govern the operations of digestion and

nutrition, and by a judicious use of the

properties of well-selected Cocoa, Mr. Epps has

provided our breakfast tables with a delicious

and healthful beverage which may be

relied upon to give strength and vitality to

the system. It is by the judicious use of such

articles of diet that a constitution may be

gradually built up until strong enough to resist every

tendency to disease. Hundreds of millions of

people are suffering from weakness and

disease, and are in need of a tonic which will

not only give strength and vitality, but will

also be a pleasant and palatable beverage.

JAMES EPPS & CO., Manufacturing Chemists,

LONDON, ENGLAND.

GOLD MEDAL, PARIS, 1875.

BAKER'S

Breakfast Cocoa.

Warranted absolutely pure

Cocoa, from which the excess of

oil has been removed. It has three

times the strength of Cocoa mixed

with Sugar, Arrowroot or Sugar,

and is therefore far more economical.

It is delicious, nourishing,

strengthening, easily digested, and

admirably adapted for invalids as

well as for persons in health.

Sold by Grocers everywhere.

W. BAKER & CO., Dorchester, Mass.

\$25 Reward

Will be paid to any candidate or his friends who

can furnish their names in better style and for

payment, payable in easy weekly and monthly

payments, that can be done by the

Novelty Furniture Co.,

109 MASS. AVE.

Store open every evening. tu, th, s

JAMAICA GINGER GORDIAN

Sold by Druggists and Grocers.

Browning & Sloan,

AGENTS.

CITY NEWS.

The Bijou will open September 11.

Whiting Allen, press agent of "4-paw,"

is in the city.

The St. Mary's parish schools will re-

open to-morrow.

The city board of equalization will be in

session to-morrow day.

Jennie Black has been fined by Squire

Seibert for threatening to shoot a colored

man named Ballard.

It is the intention of the University

park amusement committee to continue the

summer night concerts next year.

Property sold for taxes in March last,

will be subject to an additional penalty if

not redeemed before September 6.

In the case of Anna Wenke, an in-

fant, dying without medical attendance,

the coroner reports death from natural

causes.

Dr. Dr. Baily, pastor of the English

Lutheran church, has returned from his

vacation, which he spent pleasantly at Eu-

rocy, Ohio.

Yesterday afternoon the sewer excavation,

in the rear of the Condit block, caved in,

severely bruising Noah M. Chew, one of

the laborers.

The Standards defeated the Indianapolis

Nines in a game of ball, yesterday after-

noon, 5 to 4. It was a good game through-

out, well played by both sides.

The roofs of two stables, near the corner

of McCarty and Delaware streets, owned

by Sarah Russell, were damaged by fire

yesterday afternoon. Loss \$75; insured.

Will V. Rooker, of the Journal reporter-

ial corps, has resigned to assume the re-

spondency of his father's farm, near

Castleton. His reportorial duties now de-

volve upon Will O. Bates. If Rooker puts

the same vim into farming that he did into

reporting, he will make the old White river

farmers sick.

Michael A. Callahan, son of Michael Cal-

lahan, 202 West Walnut street, employed in

Chicago, was caught in a pulley on Sat-

urday last, receiving fatal injuries. He

died night before last, and his remains

reached here yesterday and were buried to-

day. This is the second son Mr. Callahan

has lost by accident quite recently.

THE ALDERMEN.

An Opinion by the City Attorney Calcu-

lated to Crush the City Hall Scheme—

The Street Car Company.

At the meeting of the board of aldermen

last evening, the question of removing the

T-11 from the street, and the sub-

stitution of flat rails was referred to the

committee on railroads. The committee on

property was instructed to provide more

durable benches in the three public parks.

The city attorney reported upon the fol-

lowing propositions submitted to him at the

last session of the board:

1. That the city attorney be and is hereby

requested to report to the board at its next

meeting, whether the five changes made in the

palms, and the right of the city building

the city hall, are legal facts. The charges

are herewith attached; further, that they each

be reported upon by the city attorney.

2. That the board of aldermen is not legally

constituted.

3. That the present membership of the com-

mon council is such that that body has not the

right to make or ratify laws.

4. That the ordinance is illegal, because it

anticipates the revenue.

5. That the ordinance is illegal, because there

is no money in the treasury.

6. That the law does not authorize a joint

council of members of the council and

board of aldermen.

The first two objections are made on the

ground that some of the members are not re-

sponding to the qualifications of the law.

The city attorney's report was as fol-

lows:

In answer to the first question, I have to

say that the members of the board having qual-

ified according to law, the board is legally con-

stituted, even though some of the members do

not possess the statutory qualifications; that is

in case of the officers, and, being such, their

acts are valid. If, however, some of the mem-

bers did not own real estate in their respective

districts at the time of their election and qual-

ification, they are subject to removal by joint

warrant proceedings, which may be set in mo-

tion by any taxpayer in the city. Such removal

could not affect any of the precedent acts of

the board, however. If the members referred to

were the owners of real estate in their respec-

tive districts at the time of their election and qual-

ification, I do not think that a subsequent

parting with their real estate would render

them ineligible for the balance of their term.

In answer to the second question, I have to

say that I am not aware of any law requiring

members of the common council to be freehold-

ers as a condition precedent to their making

or ratifying laws. I have heard no reason stated

that renders any member of the council, now

serving, ineligible.

In regard to the third and fourth questions,

I am of the opinion that the ordinance in ques-

tion is legal in all its parts, but under the pro-

visions of sections 220, 3121 and 3124 of the re-

vised statutes of 1881, I do not think any valid

contract can be made thereunder which shall in-

crease the city's indebtedness beyond the pre-

sents of the appropriation of money made, un-

less the money be at the time actually in the

treasury. The indebtedness of the city is already

more than 2 per cent. of the taxable value, and

under the constitutional provision and the section

of the law of 1877 on that subject, above referred

to, cannot any more be increased. It may be

seen, therefore, that if buildings to cost \$150,000

are to be erected they cannot be erected under a

contract, because a contract so to do would

create an indebtedness beyond the amount of

the special fund now on hand. In view of this

fact, and the further fact that the special

revenue anticipated from the sale of tax

may be required to pay the interest on the

bonds, and that the ordinance in question

may be considered as a contract to do so, I

think that the ordinance is not valid. The

third section of the ordinance provides that

the building according to a certain plan named

shall be erected, and that the cost thereof shall

not exceed \$150,000. Inasmuch as a valid con-

tract cannot now be entered into for the erec-

tion of such a building, it is not possible to

procure contracts to do so. The ordinance

provides that the work be done within the

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